



RECEIVED

APR 17 2002  
PATENT

S/N 10/066,967

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TECHNOLOGY CENTER R3700

Applicant:	KNUDSON ET AL.	Examiner:	UNKNOWN
Serial No.:	10/066,967	Group Art Unit:	UNKNOWN
Filed:	FEBRUARY 4, 2002	Docket No.:	13033.5US01
Title:	PHARYNGEAL WALL TREATMENT		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the paper(s), as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on April 11, 2002.

By:

*Alfred E. Williams*  
ALFRED E. WILLIAMS

#2

**INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked

RECEIVED

APR 17 2002

TECHNOLOGY CENTER R3700

as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.

P.O. Box 2903

Minneapolis, Minnesota 55402-0903

(612) 332-5300

Date:

4/11/02

David G. Schmaltz

Reg. No. 39,828

DGS:PST:aew



<b>FORM 1449</b> <b>INFORMATION DISCLOSURE STATEMENT</b> <b>IN AN APPLICATION</b> (Use several sheets if necessary)	Docket Number: 13033.5US01	Application Number: 10/066,967
	Applicant: KNUDSON ET AL.	
	Filing Date: 02/04/2002	Group Art Unit: UNKNOWN

**RECEIVED**  
**APR 17 2002**

**TECHNOLOGY CENTER**  
**APR 17 2002**

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,998,209	12/21/1976	Macvaugh			
	4,803,075	02/07/1989	Wallace et al.			
	4,830,008	05/16/1989	Meer			
	4,978,323	12/18/1990	Freedman			
	5,046,512	09/10/1991	Murchie			
	5,052,409	10/01/1991	Tepper			
	5,133,354	07/28/1992	Kallok			
	5,158,080	10/27/1992	Kallok			
	5,176,618	01/05/1993	Freedman			
	5,178,156	01/12/1993	Takishima et al.			
	5,190,053	03/02/1993	Meer			
	5,204,382	04/20/1993	Wallace et al.			
	5,258,028	11/02/1993	Ersek et al.			
	5,284,161	02/08/1994	Karell			
	5,421,406	06/06/1995	Furusawa et al.			
	5,456,662	10/10/1995	Edwards et al.			
	5,494,029	02/27/1996	Lane et al.			
	5,514,131	05/07/1996	Edwards et al.			
	5,540,733	07/30/1996	Testerman et al.			
	5,591,216	01/07/1997	Testerman et al.			
	5,674,191	10/07/1997	Edwards et al.			
	5,669,377	09/23/1997	Fenn			
	5,718,702	02/17/1998	Edwards			
	5,791,341	08/11/1998	Bullard			
	5,792,067	08/11/1998	Karell			
	5,792,478	08/11/1998	Lawin et al.			

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

RECEIVED

FORM 1497 INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 13033.5US01	Application Number: 10/066,967
	Applicant: KNUDSON ET AL.	
	Filing Date: 02/04/2002	Group Art Unit: UNKNOWN

	5,843,021	12/01/1998	Edwards et al.			
	5,853,004	12/29/1998	Goodman			
	Re 36,120	03/02/1999	Karell			
	5,897,579	04/27/1999	Sanders			
	5,922,006	07/13/1999	Sugerman			
	5,979,456	11/09/1999	Magovern			
	5,983,136	11/09/1999	Kamen			
	5,988,171	11/23/1999	Sohn et al.			
	6,098,629	08/08/2000	Johnson et al.			
	6,240,316 B1	05/29/2001	Richmond et al.			
	6,250,307 B1	06/26/2001	Conrad et al.			

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	0 706 808 A1	04/17/1996	EP				
	11-33120	09/02/1999	JP				X
	WO 01/19301 A1	03/22/2001	PCT				
	WO 01/23039 A1	04/05/2001	PCT				
	1553140 A1	03/30/1990	SU			Abstract	

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Aboubakr, S. et al., "Long-term facilitation in obstructive sleep apnea patients during NREM sleep", <i>J Appl Physiol</i> , Vol. 91, pp. 2751-2757 (December 2001)
	Badr, M. "Effect of ventilatory drive on upper airway patency in humans during NREM sleep", <i>Respiration Physiology</i> , Vol. 103, No. 1, pp. 1-10 (1996)
	Boot, H. et al., " Long-Term Results of Uvulopalatopharyngoplasty for Obstructive Sleep Apnea Syndrome", <i>Laryngoscope</i> , Vol. 110, pp. 469-475 (March 2000)
	Boudewyns, A. et al., "Temperature-controlled Radiofrequency Tissue Volume Reduction of the Soft Palate (Somnoplasty®) in the Treatment of Habitual Snoring: Results of a European Multicenter Trial", <i>Acta Otolaryngol</i> , Vol. 120, pp. 981-985 (2000)
	Brietzke, S. et al., "Injection snoreplasty: How to treat snoring without all the pain and expense", <i>Otolaryngology-Head and Neck Surgery</i> , pp. 503-510 (May 2001)

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

**RECEIVED**  
APR 17 2002

FOR PTO-1449 <b>SAFE</b> APR 15 2002 PATENT & TRADEMARK OFFICE	<b>INFORMATION DISCLOSURE STATEMENT</b> IN AN APPLICATION (Use several sheets if necessary)		Docket Number: 13033.5US01	Application Number: 10/066,967
			Applicant: KNUDSON ET AL.	<b>TECHNOLOGY CENTER R3700</b>
			Filing Date: 02/04/2002	Group Art Unit: UNKNOWN

		Cole, P. et al., Review Article "Snoring: A Review and a Reassessment", <i>The Journal of Otolaryngology</i> , Vol. 24, No. 5, pp. 303-306 (1995)
		Coleman, S. et al., "Midline radiofrequency tissue reduction of the palate for bothersome snoring and sleep-disordered breathing: A clinical trial", <i>Otolaryngology Head and Neck Surgery</i> , Vol. 122, No. 3, pp. 387-394 (March 2000)
		Collard, P. et al., "Why Should We Enlarge the Pharynx in Obstructive Sleep Apnea?", <i>Sleep</i> , Vol. 19, No. 9, pp. S85-S87 (1996)
		Courey, M. et al., "Histologic and Physiologic Effects of Electrocautery, CO <sub>2</sub> Laser, and Radiofrequency Injury in the Porcine Soft Palate", <i>Laryngoscope</i> , Vol. 109, pp. 1316-1319 (August 1999)
		Dalmasso, F. et al., "Snoring: analysis, measurement, clinical implications and applications", <i>European Respiratory Journal</i> , Vol. 9, pp. 146-159 (1996)
		Dreher, A. et al., "Nasenatmungsbehinderung und schlafbezogene Atmungsstorungen", <i>Laryngo-Rhino-Otol</i> , Vol. 78, pp. 313-317 (1999)
		Ellis, P. et al., "Surgical relief of snoring due to palatal flutter: a preliminary report", <i>Annals of the Royal College of Surgeons of England</i> , Vol. 75, pp. 286-290 (1993)
		Fischer, Y. et al., "Die Radiofrequenzablation des weichen Gaumens (Somnoplastik)", <i>HNO</i> , Vol. 1, pp. 33-40 (2000)
		Gillette, P. et al., "Pediatric Cardiac Pacing", <i>Cardiology Clinics</i> , Vol. 10, No. 4, pp. 749-754 (November 1992)
		Harries, P. et al., "Review Article The surgical treatment of snoring", <i>Journal of Laryngology and Otology</i> , Vol. 110, pp. 1105-1106 (December 1996)
		Huang, L., "Flutter of Cantilevered Plates in Axial Flow", <i>Journal of Fluids and Structures</i> , Vol. 9, pp. 127-147 (1995)
		Huang, L. et al., "Biomechanics of snoring", 5 pages, (Source Unknown) (Date Unknown)
		Hukins, C. et al., "Radiofrequency Tissue Volume Reduction of the Soft Palate in Simple Snoring", <i>Arch Otolaryngol Head Neck Surgery</i> , Vol. 126, pp. 602-606 (May 2000)
		Li, K. et al., "Radiofrequency volumetric reduction of the palate: An extended follow-up study", <i>Otolaryngology Head and Neck Surgery</i> , Vol. 122, No. 3, pp. 410-414 (March 2000)
		LaFrentz et al., "Palatal Stiffening Techniques for Snoring in a Novel Canine Model", <i>Abstracts of the Twenty-Second Annual Mid Winter Research Meeting of the Association for Research in Otolaryngology</i> , Abstract No. 499, Vol. 22, pp. 125-126 (February 13-18, 1999)
		Lemperle, G. et al., "PMMA Microspheres (Artecoll) for Skin and Soft-Tissue Augmentation. Part II: Clinical Investigations", <i>Plastic and Reconstructive Surgery</i> , Vol. 96, No 3, pp. 627-634 (September 1995)
		Littlefield, P. et al., "Snoring surgery: Which is best for you?", <i>ENT-Ear, Nose, &amp; Throat Journal</i> , Vol. 78, No. 11, pp. 861-870 (November 1999)
		Lorenz, C., "If he snores - what can you do about it?", <i>Today's Woman</i> , 2 pgs, (July 1948)

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b> (Use several sheets if necessary)	Docket Number: 13033.5US01	Application Number: 10/066,967	<b>RECEIVED</b>  <b>APR 17 2002</b>  <b>TECHNOLOGY CENTER</b>
	Applicant: KNUDSON ET AL.		
	Filing Date: 02/04/2002	Group Art Unit: UNKNOWN	

	Mair, E. et al., "Cautery-assisted palatal stiffening operation", <i>Otolaryngology Head and Neck surgery</i> , Vol. 122, No. 4, pp. 547-555 (April 2000)
	Nutrition for Life International Brochure, "Snoreless™ -A Natural Lubricant That Really Works!", 2 pages (December 1999)
	Our Health News Brochure, "Snore-Free Nights Guaranteed!", 2 pages (Date Unknown)
	Phillips, M., "Stenting therapy for stenosing airway diseases", <i>Respirology</i> , Vol. 3, pp. 215-219 (1998)
	Schwab, R. et al., "Dynamic upper airway imaging during awake respiration in normal subjects and patients with sleep disordered breathing", <i>Am Rev Respir Dis</i> , Vol. 148, pp. 1385-1398 (1993)
	Schwab, R., "Upper Airway Imaging", <i>Clinics in Chest Medicine</i> , Vol. 19, No. 1, pp. 33-54 (March 1998)
	Schwab, R. et al., "Upper airway and soft tissue anatomy in normal subjects and patients with sleep-disordered breathing", <i>Am Journal of Respir Crit Care Med</i> , Vol. 152, pp. 1673-1689 (1995)
	Schwartz, R. et al., "Effects of electrical stimulation to the soft palate on snoring and obstructive sleep apnea", <i>Journal of Prosthetic Dentistry</i> , Vol. 76, No. 3, pp. 273-281 (September 1996)
	Schwartz, A., "Pharyngeal Airway Obstruction in Obstructive Sleep Apnea", <i>Otolaryngologic Clinics of North America</i> , Vol. 31, No. 6, pp. 911-918 (December 1998)
	Sher, A. et al., "The Efficacy of Surgical Modifications of the Upper Airway in Adults With Obstructive Sleep Apnea Syndrome", <i>Sleep</i> , Vol. 19, No. 2, pp. 156-177 (1996)
	Somnoplasty Brochure, "Haven't you suffered from snoring long enough", 2 pages (Date Unknown)
	SNAP Brochure, "Our Siagnostic Procedures are a Snap!", <i>Snap Laboratories Glenview, IL</i> , 4 pages (Date Unknown)
	Stauffer, J. et al., "Pharyngeal Size and Resistance in Obstructive Sleep Apnea", <i>Amer Rev of Respir Disease</i> , Vol. 136, No. 3, pp. 622-627 (September 1987)
	Wheatley, J. et al., "Mechanical properties of the upper airway", <i>Pulmonary Med</i> , Vol. 4, pp. 363-369 (1998)
	Wiltfang, J. et al., "First results on daytime submandibular electrostimulation of suprahyoidal muscles to prevent night-time hypopharyngeal collapse in obstructive sleep apnea syndrome", <i>Intl Journ of Oral &amp; Maxillofacial Surgery</i> , Vol. 28, pp. 21-25 (1999)
	Winter, W. et al., "Enlargement of the lateral pharyngeal fat pad space in pigs increases upper airway resistance", <i>Amer Physiological Society</i> , pp. 726-731 (1995)



EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KNUDSON ET AL.  
 Serial No.: 10/066,967  
 Filed: FEBRUARY 4, 2002  
 Due Date: MAY 4, 2002  
 Title: PHARYNGEAL WALL TREATMENT

Examiner: UNKNOWN  
 Group Art Unit: UNKNOWN  
 Docket: 13033.5US01

RECEIVED

APR 17 2002

TECHNOLOGY CENTER R3700

**CERTIFICATE UNDER 37 CFR 1.8:**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on April 11, 2002.

By: *Alfred E. Williams*  
 Name: ALFRED E. WILLIAMS

APR 15 2002

PATENT & TRADEMARK OFFICE

Commissioner for Patents  
 Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449, 81 Reference(s)
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
 P.O. Box 2903, Minneapolis, MN 55402-0903  
 612.332.5300

By: *David G. Schmaltz*  
 Name: David G. Schmaltz  
 Reg. No.: 39,828  
 DSchmaltz:PSTaew



(PTO TRANSMITTAL - GENERAL)